

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )**

**ZENIA ESTHER CORTES M.D. )**

**File No. 800-2017-036904**

**Physician's and Surgeon's )  
Certificate No. A90285 )**

**Respondent )**

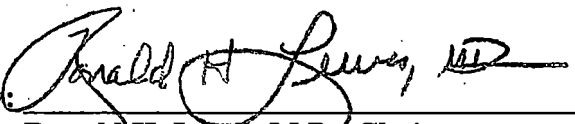
**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on February 22, 2019.**

**IT IS SO ORDERED January 24, 2019.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
\_\_\_\_\_  
**Ronald H. Lewis, M.D., Chair  
Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 REBECCA D. WAGNER  
Deputy Attorney General  
4 State Bar No. 165468  
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5 San Francisco, CA 94102-7004  
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7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12  
13 In the Matter of the Accusation Against:

14 **ZENIA ESTHER CORTES, M.D.**

15 **16702 Valley View**  
16 **La Mirada, CA 90638**

17 **Physician's and Surgeon's Certificate No. A**  
18 **90285**

19  
20 Respondent.

Case No. 800-2017-036904

OAH No. 2018080957

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
25 of California (Board). She brought this action solely in her official capacity and is represented in  
26 this matter by Xavier Becerra, Attorney General of the State of California, by Rebecca D.  
27 Wagner, Deputy Attorney General.  
28

2. Respondent Zenia Esther Cortes, M.D. (Respondent) is represented in this proceeding by attorney Raymond J. McMahon, whose address is: 5440 Trabuco Road, Irvine, CA 92620.

3. On or about March 2, 2005, the Board issued Physician's and Surgeon's Certificate No. A 90285 to Zenia Esther Cortes, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2017-036904, and will expire on February 28, 2019, unless renewed.

## JURISDICTION

4. Accusation No. 800-2017-036904 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 28, 2018. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2017-036904 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2017-036904. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

1 **CULPABILITY**

2 9. Respondent agrees that, at an administrative hearing, Complainant could establish a  
3 *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-  
4 2017-036904.

5 10. Respondent agrees that her Physician's and Surgeon's Certificate is subject to  
6 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the  
7 Disciplinary Order below.

8 **CONTINGENCY**

9 11. This stipulation shall be subject to approval by the Medical Board of California.  
10 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
11 Board of California may communicate directly with the Board regarding this stipulation and  
12 settlement, without notice to or participation by Respondent or her counsel. By signing the  
13 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
14 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
15 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
16 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
17 action between the parties, and the Board shall not be disqualified from further action by having  
18 considered this matter.

19 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
20 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
21 signatures thereto, shall have the same force and effect as the originals.

22 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
23 the Board may, without further notice or formal proceeding, issue and enter the following  
24 Disciplinary Order:

25 **DISCIPLINARY ORDER**

26 A. **PUBLIC REPRIMAND**

27 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 90285 issued  
28 to Respondent Zenia Esther Cortes, M.D. is hereby publicly reprimanded pursuant to California

1 Business and Professions Code § 2227(a)(4). This Public Reprimand, which is issued in  
2 connection with Respondent's actions as set forth in Accusation No. 800-2017-036904, is as  
3 follows:

4 On June 16, 2017, the Texas Medical Board issued an Agreed Order with Respondent  
5 based on Respondent's failure to adequately supervise a midlevel advanced practice nurse who  
6 inappropriately prescribed Phentermine to several patients and failed to register the supervision  
7 with the Board. Respondent was required to comply with terms and conditions including, but not  
8 limited to, completing at least 12 hours of Continuing Medical Education (CME) in supervision  
9 and delegation within one year; submitting all written delegation orders to the Board within 30  
10 days; passing a medical jurisprudence exam within one year and three attempts; and paying an  
11 administrative penalty of \$2,000 within 60 days.

12 In addition, on April 20, 2018, the State of Florida Board of Medicine entered into a  
13 Settlement Agreement issuing a Letter of Concern against Respondent's Florida Medical License  
14 for failure to report the Texas Medical Board action within 30 days. Respondent was ordered to  
15 complete a Laws and Rules Course and pay a fine and cost recovery in the Florida action.

16 B. EDUCATION COURSE. Within 60 calendar days of the effective date of this  
17 Decision, Respondent shall submit to the Board or its designee for its prior approval educational  
18 program(s) or course(s) focusing on the proper supervision of, and delegation to, advanced  
19 practice nurses, physician assistants, or other midlevel practitioners. The education program(s) or  
20 course(s) shall be Category I certified, shall be at Respondent's expense and shall be in addition  
21 to the Continuing Medical Education (CME) requirements for renewal of licensure.

22 A program or course taken after the acts that gave rise to the charges in the Accusation,  
23 but prior to the effective date of the Decision may, in the sole discretion of the Board or its  
24 designee, be accepted towards the fulfillment of this condition if the course would have been  
25 approved by the Board or its designee had the course been taken after the effective date of this  
26 Decision.

27 Respondent shall submit a certification of successful completion to the Board or its  
28 designee not later than 15 calendar days after successfully completing the course, or not later than  
15 calendar days after the effective date of the Decision, whichever is later. Failure to enroll,  
participate in, or successfully the educational program(s) or course(s) within the designated time

1 period shall constitute unprofessional conduct and grounds for further disciplinary action.

2 ACCEPTANCE

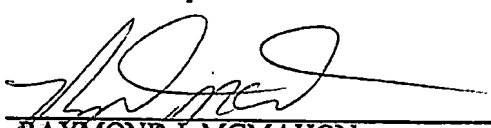
3 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
4 discussed it with my attorney, Raymond J. McMahon. I understand the stipulation and the effect  
5 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement  
6 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
7 Decision and Order of the Medical Board of California.

8  
9 DATED: December 20, 2018

  
ZENIA ESTHER CORTES, M.D.  
Respondent

11 I have read and fully discussed with Respondent Zenia Esther Cortes, M.D. the terms and  
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
13 I approve its form and content.

14 DATED: December 20, 2018

  
RAYMOND J. MCMAHON  
Attorney for Respondent

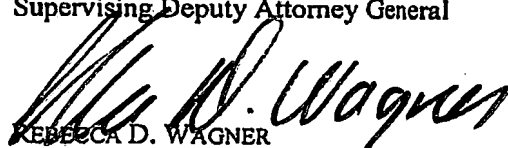
17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
19 submitted for consideration by the Medical Board of California.

20  
21 Dated: **12-21-18**

Respectfully submitted,

22 XAVIER BECERRA  
23 Attorney General of California  
24 JANE ZACK SIMON  
25 Supervising Deputy Attorney General

  
26 REBECCA D. WAGNER  
27 Deputy Attorney General  
28 Attorneys for Complainant

**Exhibit A**

**Accusation No. 800-2017-036904**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 REBECCA D. WAGNER  
Deputy Attorney General  
4 State Bar No. 165468  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
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6 Facsimile: (415) 703-5480  
E-mail: Rebecca.Wagner@doj.ca.gov  
7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO June 28 20 18  
BY [Signature] ANALYST

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2017-036904

13 **Zenia Esther Cortes, M.D.**  
14 **16702 Valley View**  
15 **La Mirada, CA 90638**

**ACCUSATION**

16 **Physician's and Surgeon's Certificate**  
17 **No. A 90285,**

Respondent..

18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
22 Affairs (Board).

23 2. On or about March 2, 2005, the Medical Board issued Physician's Certificate Number  
24 A 90285 to Zenia Esther Cortes, M.D. (Respondent). The Physician's Certificate was in full force  
25 and effect at all times relevant to the charges brought herein and will expire on February 28, 2019,  
26 unless renewed.



## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

5. Section 2305 of the Code states:

“The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under

1 this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action  
2 for unprofessional conduct against the licensee in this state."

3 6. Section 141 of the Code states:

4 "(a) For any licensee holding a license issued by a board under the jurisdiction of the  
5 department, a disciplinary action taken by another state, by any agency of the federal government,  
6 or by another country for any act substantially related to the practice regulated by the California  
7 license, may be a ground for disciplinary action by the respective state licensing board. A  
8 certified copy of the record of the disciplinary action taken against the licensee by another state,  
9 an agency of the federal government, or another country shall be conclusive evidence of the  
10 events related therein.

11 "(b) Nothing in this section shall preclude a board from applying a specific statutory  
12 provision in the licensing act administered by that board that provides for discipline based upon a  
13 disciplinary action taken against the licensee by another state, an agency of the federal  
14 government, or another country."

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Discipline, Restriction, or Limitation Imposed by Another State)**

17 7. Respondent Zenia Esther Cortes, M.D. is subject to disciplinary action under sections  
18 141(a) and/or 2305 of the Code in that on June 16, 2017, the Texas Medical Board issued an  
19 Agreed Order wherein Respondent was required to comply with terms and conditions including,  
20 but not limited to, completing at least 12 hours of CME in supervision and delegation within one  
21 year; submitting all written delegation orders to the Board within 30 days; passing a medical  
22 jurisprudence exam within one year and three attempts; and paying an administrative penalty of  
23 \$2,000 within 60 days. The Texas Agreed Order contains factual findings as follows:

24 8. The Respondent failed to adequately supervise a mid-level Advanced Practice Nurse  
25 (APN) and failed to register the collaboration with the Texas Medical Board. While under the  
26 Respondent's supervision, the APN prescribed controlled substances (30 tablets of Phentermine  
27 37.5 Mg tablets) to several patients via telemedicine practices without performing a physical  
28 examination and/or seeing the patient in person to establish an appropriate relationship.

1           9.     Respondent's conduct and the action of the Texas Medical Board as set forth in  
2     Paragraphs 7 and 8, above, and within the actual Texas Medical Board documents attached as  
3     Exhibit A, constitutes unprofessional conduct within the meaning of section 2305 and conduct  
4     subject to discipline within the meaning of section 141(a).

5                               **SECOND CAUSE FOR DISCIPLINE**

6                               **(Discipline, Restriction of Limitation Imposed by Another State)**

7           10.    Respondent Zenia Esther Cortes, M.D. is subject to disciplinary action under sections  
8     141(a) and/or 2305 of the Code in that on April 20, 2018 the State of Florida Board of Medicine  
9     did enter into a Settlement Agreement issuing a Letter of Concern against Respondent's Florida  
10    Medical License, imposing an administrative fine in the sum of \$2,000.00 and an additional sum  
11    of cost recovery, and requiring the Respondent complete a Laws and Rules Course approved by  
12    the Board. The Settlement Agreement contains the following allegations which the Respondent  
13    admitted that, if the facts were proven, they would violate provisions of the State of Florida  
14    statutes (Chapter 458):

15           11.   The Respondent failed to report to the State of Florida Board of Medicine within  
16    thirty days (30), as required, that the State of Texas Medical Board had issued a disciplinary  
17    action as set forth in Paragraphs 7 and 8 above.

18           12.   Respondent's conduct, and the action of the State of Florida Board of Medicine, as set  
19    forth in Paragraphs 10 and 11, above, and within the Florida Board of Medicine documents as  
20    attached as Exhibit B, constitutes unprofessional conduct within the meaning of section 2305 and  
21    conduct subject to discipline within the meaning of section 141(a).

22                               **PRAYER**

23           WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
24    and that following the hearing, the Medical Board of California issue a decision:


25           1.     Revoking or suspending Physician's and Surgeon's Certificate Number A 90285,  
26    issued to Zenia Esther Cortes, M.D.;

27           2.     Revoking, suspending or denying approval of Zenia Esther Cortes, M.D.'s authority to  
28    supervise physician assistants and advanced practice nurses;

1           3.     Ordering Zenia Esther Cortes, M.D., if placed on probation, to pay the Board the costs  
2 of probation monitoring; and

3           4.     Taking such other and further action as deemed necessary and proper.

4  
5 DATED:     June 28, 2018

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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**EXHIBIT A: Texas Medical Board Agreed Order**

**Dated June 16, 2017**

LICENSE NO. L-8658

IN THE MATTER OF

BEFORE THE

THE LICENSE OF

ZENIA ESTHER CORTES, M.D.

TEXAS MEDICAL BOARD

AGREED ORDER

On the 16 day of June, 2017, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Zenia Esther Cortes, M.D. (Respondent).

On December 16, 2016, Respondent appeared in person, with counsel Franklin Hopkins, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representatives were Margaret McNeese, M.D. and Tim Webb, J.D., members of the Board (Panel). Heather Detrixhe Barham represented Board staff.

BOARD CHARGES

Staff alleged that Respondent failed to adequately oversee the practice of an Advanced Practice Nurse (APN) whom she supervised. Specifically, although Respondent supervised the APN, she failed to register said supervision with the Board and permitted APN to treat Texas patients via videoconferencing from the patient's homes without benefit of appropriate supervision, or an initial face-to-face visit. As a result, the APN inappropriately prescribed 30 tablets of Phentermine 37.5 mg tablets to several patients.

BOARD HISTORY

Respondent has not previously received a disciplinary order from the Board.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

## FINDINGS

The Board finds the following:

1. General Findings:

- a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the Act) or the Rules of the Board.
- b. Respondent currently holds Texas Medical License No. L-8658. Respondent was originally issued this license to practice medicine in Texas on June 4, 2004. Respondent is also licensed to practice in California, Florida, Colorado, Nevada, Oklahoma and New Hampshire.
- c. Respondent is primarily engaged in the practice of Orthopedic Surgery. Respondent is board certified by the American Board of Orthopedic Surgery, a member of the American Board of Medical Specialties.
- d. Respondent is 43 years of age.

2. Specific Panel Findings:

- a. Respondent failed to adequately supervise a mid-level APN and failed to register the collaboration with the Board.
- b. While under Respondent's supervision, the APN prescribed controlled substances to several patients via telemedicine practices without performing a physical examination and/or seeing the patient in person to establish an appropriate relationship.
- c. Respondent was not aware of the APN's telemedicine practices; nor was she aware that the APN was writing prescriptions to telemedicine patients.
- d. Respondent's then-business partner deliberately concealed information related to activity that violated Board Rules pertaining telemedicine practices.
- e. Respondent's prior business partner entered into a cease and desist order with the Board related to the events described herein.

3. Mitigating Factors:

- a. In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:
  - i. Respondent took responsibility for the violations.
  - ii. Respondent ceased all involvement with her former business partner.
  - iii. Respondent has rehabilitative potential.
  - iv. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent neither admits nor denies the information given above. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent for committing an act prohibited under §164.052 of the Act;
3. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent for violation of the following Board Rules: Board Rule 166.1(d), requiring physicians to notify the Board of changes in their mailing or practice address; Board Rule 173.3(a), requiring physicians to update their public physician profile information; Board Rule 173.3(b), requiring physicians to maintain current profile information with the Board; and 173.3(d), requiring physicians to report a change of address to the Board within 30 days of the date on which the change occurs.
4. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent for failing to practice medicine in an acceptable professional manner consistent with public health and welfare, as further defined by Board Rule 190.8(1)(C), failure to use proper diligence in one's professional practice.



5. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent for unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by §164.053 of the Act, or injure the public.

6. Section 164.053(a)(8) of the Act authorizes the Board to take disciplinary action against Respondent for failing to adequately supervise those acting under the physician's supervision.

7. Section 164.053(a)(9) of the Act authorizes the Board to take disciplinary action against Respondent for delegating medical responsibility or acts to a person that Respondent knew or should have known was not qualified by training, experience, or licensure to perform the responsibility or acts.

8. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.

9. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

10. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

#### ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least twelve (12) hours of continuing medical education (CME), approved for Category I credits by the American Medical Association, on the topic of supervision and delegation. Courses shall be approved in writing in advance by the Executive Director or their designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Department information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Department on or before the expiration of the time limit set

forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

2. Within thirty (30) days of the order's entry, Respondent shall furnish copies of all written delegation orders in place to the Executive Director or an authorized designee, or develop and furnish written delegation orders for all delegates providing care to patients in Texas.

3. Within one year following the date of the entry of this Order, Respondent shall take and pass with a score of 75 or above the Medical Jurisprudence Examination (JP Exam) given by the Texas Medical Board. Respondent is allowed three attempts to successfully pass this examination.

Respondent's failure to take and pass the JP Exam within three attempts within one year following the date of the entry of this Order shall constitute a violation of this Agreed Order. After a committee of the Board or a panel of Board representatives (Board Representatives), has considered the information related to Respondent's violation of this provision and has determined that Respondent has not fulfilled the requirements of this provision, Respondent's medical license shall be **IMMEDIATELY SUSPENDED** pursuant to correspondence to Respondent from the Executive Director or Secretary-Treasurer of the Board indicating that Board Representatives have considered the information related to Respondent's violation of this provision and have determined that Respondent has not fulfilled the requirements of this provision. Although Respondent shall be invited to provide information or testimony to the Board Representatives, Respondent specifically waives any administrative due process under the Medical Practice Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. **THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE MEDICAL PRACTICE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL.** Respondent shall be notified of any suspension by certified mail, return receipt requested to Respondent's last known address on file with the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until

such time as Respondent takes and passes the JP Exam and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Respondent possesses the skills and knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state.

4. Respondent shall pay an administrative penalty in the amount of \$2,000 within sixty (60) days of the date of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

5. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

6. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

7. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

8. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be

submitted to the Registration Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

9. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

10. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

11. This Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraph Nos. 1 - 4.


RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

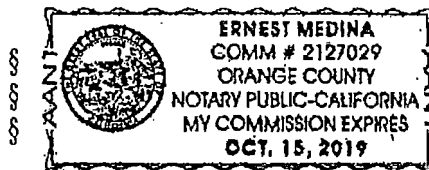
(SIGNATURE PAGES FOLLOW)

I, ZENIA ESTHER CORTES, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

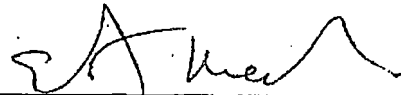
DATED: April 20, 2017.

  
ZENIA ESTHER CORTES, M.D.  
Respondent

STATE OF California  
COUNTY OF Orange

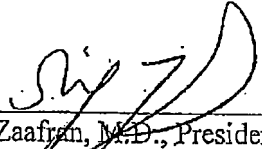


SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 20 day of April, 2017.

  
Signature of Notary Public

(Notary Seal)

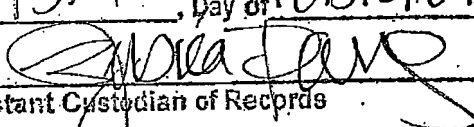
SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
16 day of June, 2017.

  
\_\_\_\_\_  
Sherif Z. Zafran, M.D., President  
Texas Medical Board

STATE OF TEXAS  
COUNTY OF TRAVIS

I, JESSICA PANAS certify that I am an official  
assistant custodian of records for the Texas Medical Board  
and that this is a true and correct Copy of the original, as it  
appears on the file in this office.

Witness my official hand and seal of the BOARD.

This 13th Day of FEBRUARY, 2018  
  
\_\_\_\_\_  
Assistant Custodian of Records

**Exhibit B**

**State of Florida Board of Medicine Settlement Agreement**  
**and Final Order**

STATE OF FLORIDA  
BOARD OF MEDICINE

Final Order No. DOH-18-0895- **S** -MQA

FILED DATE - **APR 24 2018**  
Department of Health

By: *Angelo Sander*  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2017-12455  
LICENSE NO.: ME0118874

ZENIA E. CORTES, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on April 6, 2018, in Tampa, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the following clarification:

The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$1,031.68.



Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 20<sup>th</sup> day of April, 2018.

BOARD OF MEDICINE

Claudia Kemp  
Claudia Kemp, J.D., Executive Director  
For Jorge J. Lopez, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to ZENIA E. CORTES, M.D., P.O. Box 969, Seal Beach, California 90740; to Jeffrey S. Howell, Esquire, Phipps & Howell, P.O. Box 1351, Tallahassee, Florida 32302-1351; by email to Allison Dudley, Assistant General Counsel, Department of Health, at Allison.Dudley@flhealth.gov; and by email to Edward A. Tellechea, Chief Assistant Attorney General, at

Ed.Tellechea@myfloridalegal.com this 24<sup>th</sup> day of  
April, 2018.

Brygel Sanders

**Deputy Agency Clerk**

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NUMBER 2017-12455**

**ZENIA E. CORTES, M.D.,**

**RESPONDENT.**

---

**SETTLEMENT AGREEMENT**

Zenia E. Cortes, M.D., referred to as the "Respondent," and the Department of Health, referred to as the "Department," stipulate and agree to the following Settlement Agreement ("Agreement") and to the entry of a Final Order of the Board of Medicine, referred to as the "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

The Department is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes, and Chapters 456 and 458, Florida Statutes.

**STIPULATED FACTS**

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 118874.
2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent alleging violations of Chapter 458, Florida

Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. For purposes of these proceedings, Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

#### **STIPULATED CONCLUSIONS OF LAW**

1. Respondent admits that, in her capacity as a licensed physician, she is subject to the provisions of Chapter 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes.

3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate, and acceptable to Respondent.

#### **STIPULATED DISPOSITION**

1. **Letter Of Concern** – The Board shall issue a Letter of Concern against Respondent's license.

2. **Fine** – The Board shall impose an administrative fine of *two thousand dollars and zero cents (\$2,000.00)* against Respondent's license which Respondent shall pay to: Payments, Department of Health, Compliance Management Unit, Bln C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within thirty (30) days from the date of filing of the Final Order accepting this Agreement ("Final Order"). **All fines shall be paid by cashier's check or money order.** Any change in the terms of payment of

any fine imposed by the Board must be approved in advance by the Probation Committee of the Board.

**RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED IN THIS SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL RESPONDENT RECEIVES SUCH WRITTEN CONFIRMATION FROM THE BOARD.**

3. **Reimbursement of Costs** - Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for the Department's costs incurred in the investigation and prosecution of this case ("Department costs"). Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, any other costs Respondent incurs to comply with the Final Order, and the Board's administrative costs directly associated with Respondent's probation, if any. Respondent agrees that the amount of Department costs to be paid in this case is *five hundred, seventy-three dollars and eighty-two cents (\$573.82) but shall not exceed two thousand, five hundred, seventy-three dollars and eighty-two cents (\$2,573.82).* Respondent will pay such Department costs to: Payments, Department of Health, Compliance Management Unit, Bln C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within thirty (30) days from the date of filing of the Final Order. **All costs shall be paid by**

~~cashier's check or money order.~~ Any change in the terms of payment of costs imposed by the Board must be approved in advance by the Probation Committee of the Board.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED IN THIS SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL RESPONDENT RECEIVES SUCH WRITTEN CONFIRMATION FROM THE BOARD.

4. Laws and Rules Course - Respondent shall document completion of a Board-approved laws and rules course within one (1) year from the date the Final Order is filed.

#### **STANDARD PROVISIONS**

1. Appearance - Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

2. No Force or Effect until Final Order - It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force

and effect unless the Board enters a Final Order incorporating the terms of this Agreement.

3. **Continuing Medical Education** - Unless otherwise provided in this Agreement Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Respondent shall submit documentation to the Board's Probation Committee of having completed a CME course in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the filing of the Final Order in this matter. All such documentation shall be sent to the Board's Probation Committee, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. CME hours required by this Agreement shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board's Probation Committee, such CME course(s) shall consist of a formal, live lecture format.

4. **Addresses** - Respondent must provide current residence and practice addresses to the Board. Respondent shall notify the Board in writing within ten (10) days of any changes of said addresses and shall also comply with all statutory requirements related to practitioner profile and licensure renewal updates.

5. **Future Conduct** - In the future, Respondent shall not violate Chapter 456, 458, or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice medicine. Prior to signing this Agreement, the Respondent shall read Chapters 456, 458,

and 893, Florida Statutes, and the Rules of the Board of Medicine, at Chapter 64B8, Florida Administrative Code.

6. **Violation of Terms** - It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes.

7. **Purpose of Agreement** - Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony, or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings.

8. **No Preclusion of Additional Proceedings** - Respondent and the Department fully understand that this Agreement and subsequent Final Order will in no way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.



9. **Waiver of Attorney's Fees and Costs** - Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of Department costs noted above, the parties will bear their own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department and the Board in connection with this matter.

10. **Waiver of Further Procedural Steps** - Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement

*[signatures appear on the following page]*

SIGNED this 18 day of January, <sup>2018</sup>~~2017~~.

  
Zaria Cortes, M.D.

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

BEFORE ME personally appeared \_\_\_\_\_, whose identity is known to me or who produced \_\_\_\_\_ (type of identification) and who, under oath, acknowledges that his signature appears above.


SWORN TO and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

APPROVED this 22nd day of January, 2017.8

Celeste Philip, MD, MPH  
Surgeon General & Secretary

By:   
Corynn Alberto, Esq.  
Assistant General Counsel  
Department of Health

**CALIFORNIA ALL-PURPOSE  
CERTIFICATE OF ACKNOWLEDGMENT  
(CALIFORNIA CIVIL CODE § 1189)**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF Los Angeles )

On Jan 18, 2018 before me, Laura Allard, Notary Public  
(Date) (Here Insert Name and Title of the Officer)

personally appeared Zenia Cortes, M.D.  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]  
Signature of Notary Public



(Notary Seal)

**ADDITIONAL OPTIONAL INFORMATION**

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

Additional Information: \_\_\_\_\_

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NUMBER 2017-12455**

**ZENIA E. CORTES, M.D.,**

**RESPONDENT.**

---

**ADMINISTRATIVE COMPLAINT**

Petitioner Department of Health hereby files this Administrative Complaint before the Board of Medicine against Respondent Zenia E. Cortes, M.D., and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 118874.

3. Respondent's address of record is P.O. Box 969, Seal Beach, California 90740.

4. At all times material to this Complaint, Respondent was a licensed physician within the State of Texas, having been issued license number L8658.

5. The Texas Medical Board (Texas Board) is the licensing authority regulating the practice of medicine in the State of Texas.

6. On or about June 16, 2017, Respondent and the Texas Board entered into an Agreed Order (Order) to resolve allegations that Respondent failed to adequately oversee the practice of an Advanced Practice Nurse whom she supervised.

7. The Order required Respondent to complete twelve (12) hours of continuing medical education in supervision and delegation, take and pass the Medical Jurisprudence Examination, and pay an administrative penalty in the amount of two thousand dollars (\$2,000.00).

8. The June 16, 2017, Order constitutes action taken against Respondent's Texas' medical license.

9. Respondent did not report the action taken against her Texas medical license to the Board, in writing, within thirty (30) days.

**COUNT I**

10. Petitioner re-alleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

11. Section 458.331(1)(b), Florida Statutes (2016), subjects a licensee to discipline for having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions.

12. The Texas Board took action against Respondent's Texas medical license through the June 6, 2017, Order.

13. Based on the foregoing, Respondent violated Section 458.331(1)(b), Florida Statutes (2016), by having her medical license acted against by licensing authority of Texas.

**COUNT II**

14. Petitioner re-alleges and incorporates paragraphs one (1) through nine (9) as if fully set forth herein.

15. Section 458.331(1)(kk), Florida Statutes (2016), subjects a licensee to discipline for failing to report to the board, in writing, within 30

days if action as defined in paragraph (b) has been taken against one's license to practice medicine in another state, territory, or country.

16. Respondent failed to report the action taken against her Texas medical license to the Board, in writing, within thirty (30) days.

17. Based on the foregoing, Respondent violated Section 458.331(1)(k), Florida Statutes (2016), by failing to report the action taken against her Texas medical license to the Board, in writing, within thirty (30) days.

18. WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

*[Signature appears on the following page]*

SIGNED this 20<sup>th</sup> day of November, 2017.

Celeste Phillip, M.D., M.P.H.  
Surgeon General and Secretary of Health

Corynn Alberto

Corynn Alberto  
Assistant General Counsel  
Florida Bar Number 68814  
Florida Department of Health  
Office of the General Counsel  
4052 Bald Cypress Way, Bln C-65  
Tallahassee, Florida 32399-3265  
Telephone: (850) 558-9843  
Facsimile: (850) 245-4684  
Email: Corynn.Alberto@flhealth.gov

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Amber Grante  
DATE NOV 20 2017

PCP Date: November 17, 2017

PCP Members: Georges El-Bahri, M.D.; Hector Vila, M.D.; Brigitte Goersch



### **NOTICE OF RIGHTS**

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested. A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code. Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

### **NOTICE REGARDING ASSESSMENT OF COSTS**

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.